

CIVIL COVER SHEET

CA09-471 ML

I. (a) PLAINTIFFS

Transamerica Life Insurance Company

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brooks R. Magratten, Esq., #3585
Pierce Atwood, LLP, 10 Weybosset Street,
Suite 400. Providence. RI 02903 (401) 588-5113

DEFENDANTS

Patrick Garvey, et al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Admiralty

- ☐ 340 Marine (Injury to Seamen)
- ☐ 120 Marine (Other)

Admin/Agency Appeals Other

- ☐ 890 Other Statutory Actions
(APA Appeals, IDEA Appeals, Other)

Bankruptcy

- ☐ 422 Appeal 28 U.S.C. § 158
- ☐ 423 Withdrawal 28 U.S.C. § 157

Banks and Banking

- ☐ 140 Negotiable Instruments
- ☐ 430 Banks and Banking
- ☐ 875 Customer Challenge to Subpoena (12 U.S.C. § 3410)

Constitutional Law

- ☐ 950 Constitutionality of State Statutes
- ☐ 440 Other Civil Rights
(Constitutionality of Federal Statutes)

Elections and Voting

- ☐ 400 State Reapportionment
- ☐ 441 Voting

Other - Civil Rights

- ☐ 440 Other Civil Rights
- ☐ 443 Housing/Accommodations
- ☐ 444 Welfare
- ☐ 446 Americans with Disabilities

Civil Rights

Copyright & Trademark
(Intellectual Property)

- ☐ 820 Copyright
- ☐ 840 Trademark

Employment
Discrimination

- ☐ 442 Employment
- ☐ 445 Americans with Disabilities-Employment
- ☐ 440 Other - Civil Rights

ERISA

- ☐ 791 Employment Ret. Inc. Security Act

Other Employment
Benefits

- ☐ 190 Other - Contract
- ☐ 442 Other - Employment

Environmental Law

- ☐ 893 Environmental Matters

Immigration

- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainees
- ☐ 465 Other Immigration Actions

Indian Law

- ☐ 890 Other Statutory Actions

Insurance

- ☒ 110 Insurance Contract

Labor and Occupational
Safety

- ☐ 660 Occupational Safety/Health
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 730 Labor/Management Reporting and Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation

Miscellaneous Civil Cases

- ☐ 150 Recovery of Overpayment and Enforcement of Judgment (Collections)
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (excluding Veterans)
- ☐ 153 Recovery of Overpayment of Veterans' Benefits
- ☐ 370 Other Fraud
- ☐ 440 Other Civil Rights (Immigration/Deportation)
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 610 Agriculture
- ☐ 620 Other Food and Drug
- ☐ 625 Drug related seizure of property
- ☐ 630 Liquor Laws
- ☐ 640 Railroad and Truck

Miscellaneous Civil Cases
Continued

- ☐ 650 Airline Regs.
- ☐ 690 Other (Forfeiture)
- ☐ 690 Other (Health Care)
- ☐ 810 Selective Service
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party (26 U.S.C. § 7609)
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination under Equal Access to Justice Act

Patents (Intellectual
Property)

- ☐ 830 Patents

Prisoner Petitions

- ☐ 510 Motions to Vacate Sentence (2254)
- ☐ 510 Motions to Vacate Sentence (2255)
- ☐ 530 General (Habeas)
- ☐ 535 Death Penalty
- ☐ 540 Mandamus and Other
- ☐ 550 Civil Rights (1983)
- ☐ 555 Prison Conditions (1983)

Real and Personal Property

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease and Ejectment
- ☐ 240 Torts to Land
- ☐ 290 All other Real Property
- ☐ 380 Other Personal Property Damage

RICO

- ☐ 470 RICO

Social Security

- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Mass Torts

- ☐ 360 Other Personal Injury

Products Liability

- ☐ 195 Contract Product Liability
- ☐ 245 Tort Product Liability
- ☐ 315 Airplane Product Liability
- ☐ 345 Marine Product Liability
- ☐ 355 Motor Vehicle Product Liability
- ☐ 365 Personal Injury Product Liability
- ☐ 385 Property Damage Product Liability

Professional Malpractice

- ☐ 362 Personal Injury - Med. Malpractice

Motor Vehicle
Accidents/Slip and Fall

- ☐ 350 Motor Vehicles
- ☐ 360 Other Personal Injury

Other Torts and Personal
Injury incl. Asbestos cases

- ☐ 360 Other Personal Injury (Fed. Tort Claims Act)
- ☐ 310 Airplane
- ☐ 320 Assault, Libel and Slander
- ☐ 330 Federal Employers' Liability
- ☐ 360 Other Personal Injury
- ☐ 368 Asbestos Personal Injury

Torts and Personal Injury

CONTINUED ON
REVERSE SIDE

V. ORIGIN (Place an "X" In One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (Specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge From Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332

Brief description of cause:

Rescission of annuity policy, breach of contract and fraud.

VII. REQUESTED IN COMPLAINT

☐ Check if this is a Class Action Under F.R.C.P. 23

DEMAND \$

JURY DEMAND: ☒ Yes ☐ No
(Check YES only if demanded in complaint)

VIII. RELATED CASE(S) IF ANY

JUDGE _____

DOCKET NUMBER _____

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

Date

Signature of Attorney of Record

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. NATURE OF SUIT: Place an X in the appropriate box. Make sure to select the Nature of Suit from the category which best describes the primary cause of action found in your complaint. You must select only one nature of suit.
- VIII. RELATED CASES, IF ANY: This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

FOR OFFICE USE ONLY

Receipt # _____ Amount _____ Applying IFP _____ Judge _____ Mag. Judge _____